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Picturing a broader legal medium

ANN MACAULAY

If it’s true that a picture is worth 1,000 words, imagine what a video could be worth. That’s the concept Osgoode Hall Law School will explore as it launches its new Fund for Innovation in Law and Media (FILM) to develop and deliver new visual advocacy approaches in the justice system.

Experiential legal education programs will be created at the school, focusing on using visual advocacy for social justice issues, educating the public about the law and the legal process and enhancing dispute resolution. Osgoode Hall dean Lorne Sossin, said FILM’s mandate is “to explore the frontiers of how visual media can improve and enhance the justice system, make it more accessible, make it more effective, make advocacy more compelling and ultimately mod- erminate how we think about justice and advocacy in ways that reflect other changes in society.”

Law has been one area particu- larly resistant to change, Sossin added, “So we’re hoping this opens up that conversation about what change looks like, what implications might be, what its potential might be.”

He pointed out that legal advoca- cy is practised much the same way in 2015 as it was in 1915, using written, numbered paragraphs in submissions, briefs and factums. But as technology has evolved, “the idea that law should remain largely a written enterprise in the exact same way, resistant to the trans- formation that’s going on around us, is a puzzling one. How do you embrace the same kinds of evolutionary and revolutionary change that’s going on in the rest of society in how we engage in advocacy?”

A key inspiration for using video came from first-person narratives during the Truth and Reconciliation Commission, said Sossin. “They immediately show how important visual advoca- cy could be all about.” As he watched them, “the first question that came to my mind is why isn’t all advocacy about this? This is exactly what reaches people, what’s persuasive, what’s compelling, what’s meaningful in ways that a number of paragraphs I think really can’t convey.”

The initial FILM project to explore what Sossin describes as the “intersection between law and visual media” is the Glade Documentary Project, which involves the creation of several five-minute video profiles of aboriginal offenders by award- winning filmmaker Lisa Jackson.

FILM’s documentary-style vid- eos will be plain, with minimal editing and no musical score. They are meant to supplement written Gladue reports in the sentencing process for those accused of victimless crimes in cases where there is a sequence between the Crown and defence and no major sentence submis- sion discrepancies, said Jackson.

Each day-in-the-life video will portray an accused offender and the people in his or her life, including family members, friends and legal workers. The idea is to portray “a sense of the offender’s life beyond what you could maybe glean from a written report — or from a very, very nervous person in front of you in the courtroom,” said Jackson.

Each Gladie offender on Toronto’s Gladue Court, Jackson was “struck by how challenging communica- tion can be in the courtroom and the safe environment for people to communicate. And one thing I know about a documentary film- maker are the subtleties of making people feel comfortable and safe to talk freely about their lives, person by person.”

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Lorne Sossin
Osgoode Hall Law School

“I’ve had the privilege of listen- ing to scores of personal stories, many of them painful or trau- ma. And even small disrup- tions, such as a crew member fussing with a light or my atten- tion wandering for a moment, and the safe environment for communication can be lost.”

Since the Gladue process requests that courts “bridge the gap in order to understand the unique circumstances of each aboriginal offender; video — though not an unproblematic medium — could provide a more complete picture of an offender’s life,” according to Jackson.

Another upcoming FILM pro- ject, Osgoode Hall will feature supervised, student-produced legal information videos for the public. The Justice Video Informa- tion Project will be developed in partnership with other non- governmental organizations and justice-sector providers.

Sossin is enthusiastic about the potential for future FILM projects. He said one idea involves creating a visual advocacy clinic for stu- dents. Another idea is similar to American clinical programs in which documentaries are used in the teaching of law and the criminal justice system.

“The minute we start exploring where we would be able to enhance the advocacy process through vis- ual media, I think the more you scratch at that, the more oppor- tunities and potential you find,” said Sossin. “The key point here is really the leading edge of a trans- formative moment in the Can- adian legal system in which it’s moving from a primarily paper-based and oral model of advocacy to one that combines oral and visual in new ways to communicate in an intuitive way with all of the rest of our lives.”

The endowed fund was estab- lished with a $100,000 gift from Kathryn Podrebarac of Podre- barac Barristers Professional Cor- poration in Toronto.